

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF NEW YORK**

KRISTINA SARHADI,

Plaintiff,

v.

**JUSTIN CATHAL GEEVER a/k/a JUSTIN
SANE, HARDWORK DISTRIBUTION, INC.,
and DOE 1,**

Defendants.

Case No. 1:24-CV-00031 (GLS/CFH)

**STIPULATED MOTION
EXTENDING DEADLINES
TO FILE THE FIRST
AMENDED COMPLAINT
AND DEFENDANT
HARDWORK
DISTRIBUTION, INC.'S
RESPONSE**

(UNOPPOSED)

MOTION

Plaintiff Kristina Sarhadi (“Plaintiff Sarhadi”) and Defendant Hardwork Distribution, Inc. (“Defendant Hardwork”), stipulate and jointly move for an order that Plaintiff Sarhadi shall have through March 15, 2024, to file a First Amended Complaint; Defendant Hardwork shall have through April 20, 2024, to file a pleading or motion in response to the First Amended Complaint; Plaintiff Sarhadi shall have through May 20, 2024, to respond to any such motions; and Defendant Hardwork shall have through June 3, 2024, to file replies in support of any such motions.

MEMORANDUM IN SUPPORT

Plaintiff Sarhadi filed the original complaint in this case on November 22, 2023, in the Supreme Court of New York, Ulster County. *See* Dkt. 1, Attachment #1 – Exhibit A. Defendant Hardwork filed a notice of removal to the United States District Court for the Northern District of New York on January 9, 2024, on the basis of diversity jurisdiction. Defendant Hardwork has accepted service of process in state court and waived service in this Court. *See* Dkt. 18. Plaintiff filed an affidavit of service on February 2, 2024, for service on Defendant Justin Geever

- 1 - Stipulated Motion Extending Deadlines to File the First Amended Complaint and Defendant Hardwork Distribution Inc.’s Response

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(“Defendant Geever”). *See* Dkt. 17. The affidavit summarizes Plaintiff’s multiple attempts to personally serve Defendant Geever at his residential address and to post the complaint and summons to the front door. Plaintiff is still attempting other alternative service on Defendant Geever within the time limits provided by the Federal Rules, which allow for service within 90 days of removal to this Court. *See* Fed. R. Civ. P. Rule 4(m). Plaintiff has constructive knowledge that Defendant Geever is aware of the lawsuit. Plaintiff is also working to locate Defendant Doe 1 to effect service.

Defendant Hardwork has indicated to Plaintiff that it intends to file a motion to dismiss the original complaint, and Plaintiff has responded that she plans to file an amended complaint. Out of fairness to Defendant Hardwork and to avoid the unnecessary expense of filing two motions, Plaintiff agrees that she will file her amended complaint first. In the meantime, Plaintiff will make additional attempts to locate and serve Defendant Geever and Defendant Doe 1. In an effort to streamline the schedule and to allow sufficient time for the parties, Plaintiff Sarhadi and Defendant Hardwork hereby stipulate and jointly request that the Court enter an order setting the following deadlines:

| | |
|--|----------------|
| Plaintiff's deadline to file the First Amended Complaint. | March 15, 2024 |
| Defendant Hardwork Distribution, Inc.'s time to file a motion to dismiss or otherwise respond to Plaintiff's complaint (previously April 1, 2024) is extended to April 20, 2024. | April 20, 2024 |
| Plaintiff's deadline to file oppositions to any motions to dismiss the First Amended Complaint. | May 20, 2024 |
| Defendant Hardwork Distribution, Inc.'s deadline to file replies in support of any motion to dismiss the First Amended Complaint. | June 3, 2024 |

Plaintiff and Defendant Hardwork agree that these extensions are reasonable and necessary and certify that they are not sought for any improper purpose. Accordingly, we do not request a conference with the Magistrate Judge for this non-dispositive motion.

By: /s/ John F O McAllister

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*Attorney for Defendant Hardwork
Distribution, Inc.*

Dated: February 21, 2024

CERTIFICATE OF SERVICE

I hereby certify that on February 21, 2024, I served a true and correct copy of the foregoing on all counsel of record via ECR. I will also make best efforts to serve this copy on Defendant Geever at his residential address.

/s/ John F O McAllister